

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	CASE NO. CR04-549-JLR
)	
Plaintiff,)	
)	
v.)	SUMMARY REPORT OF U.S.
)	MAGISTRATE JUDGE AS TO
MICHELLE DIEP TO,)	ALLEGED VIOLATIONS
)	OF SUPERVISED RELEASE
Defendant.)	
_____)	

An initial hearing on probation revocation in this case was scheduled before me on June 16, 2008. The United States was represented by AUSA Susan M. Roe and the defendant by Richard J. Troberman. The proceedings were digitally recorded.

Defendant had been sentenced on or about October 24, 2005 by the Honorable James L. Robart on a charge of Aiding and Abetting the Structuring of a Currency Transaction, and sentenced to 5 years probation. (Dkt. 533.)

The conditions of probation included the standard conditions plus the requirements that defendant cooperate in the collection of DNA, be prohibited from possessing a firearm, submit to search, participate in a mental health program, participate in a home confinement program with

01 electronic monitoring for 180 days, pay restitution in the amount of \$3,000, provide access to
02 financial information, maintain a single checking account for all financial transactions, provide
03 information about any business interests, and disclose all assets and liabilities to the probation
04 office.

05 In an application dated April 28, 2008 (Dkt. 793), U.S. Probation Officer Christopher S.
06 Luscher alleged the following violations of the conditions of probation:

07 1. Associating with a known felon and fugitive, Cung Nguyen, without permission
08 of the probation office, on or before March 3, 2008, in violation of standard condition number
09 nine.

10 2. Failing to notify the probation officer within 72 hours of being arrested or
11 questioned by law enforcement, on or before March 3, 2008, in violation of standard condition
12 number 11.

13 3. Failing to submit a truthful and complete written report to the U.S. Probation
14 Officer within the first five days of each month, for the months of February, March, April, May,
15 June, July, August, September, October, November, and December 2007, and January, February
16 and March 2008, in violation of standard condition number two.

17 Defendant was advised in full as to those charges and as to her constitutional rights.

18 Defendant admitted alleged violations 1 and 3 and waived any evidentiary hearing as to
19 whether they occurred. Defendant denied alleged violation 2 and requested an evidentiary hearing
20 before Judge Robart. (Dkt. 808.)

21 I therefore recommend the Court find defendant violated her probation as alleged in
22 violations 1 and 3, and that the Court conduct a hearing limited to the issue of disposition, and an

01 evidentiary hearing on violation 2. The next hearing will be set before Judge Robart.

02 Pending a final determination by the Court, defendant has been released on the conditions
03 of probation.

04 DATED this 16th day of June, 2008.

05 
06 Mary Alice Theiler
07 United States Magistrate Judge

08
09 cc: District Judge: Honorable James L. Robart
AUSA: Susan M. Roe
10 Defendant's attorney: Richard J. Troberman
Probation officer: Christopher S. Luscher